

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

2010 FEB -1 AM 10:31

CLERK OF COURT  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

TRINITY MACARDIO TELFAIR,

Petitioner,

vs.

VICTOR WALKER, Warden,

Respondent.

CIVIL ACTION NO.: CV609-044


ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Telfair contends that equitable tolling is appropriate in this case because the state court appointed his trial counsel to be his counsel on appeal. Telfair also contends that the state court denied him the right to effective assistance of appellate counsel.

Telfair's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Telfair's petition for writ of habeas corpus, filed pursuant to 28

U.S.C. § 2254, is **DISMISSED** as being untimely filed. The Clerk of Court is authorized to enter the appropriate judgment of dismissal.

SO ORDERED, this 1<sup>st</sup> day of February, 2010.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA